

### **REMARKS**

This responds to the Final Office Action mailed on April 1, 2008 and the Advisory Action mailed August 4, 2008.

Claims 1 and 34-36 are pending in this application.

Figure 2B of the drawings and the SEQUENCE LISTING are amended to correct the sequence of SEQ ID NO: 1, the SIMA135 amino acid sequence. In both cases, the sequence of SEQ ID NO: 1 is shown with an arginine at position 525, a glycine at position 709, and a serine at position 827. According to the specification (page 32, lines 16-19 and 31, to page 33, line 4), this is the prior art protein sequence encoded by AK026622. The correct SIMA135 amino acid sequence has the amino acids glutamine at position 525, aspartic acid at position 709, and asparagine at position 827. See page 32, lines 20-22 and 31, to page 33, line 4. In addition, Applicants submit that the amendments to the drawings and SEQUENCE LISTING do not introduce new matter to the specification as filed.

Applicants respectfully request reconsideration and withdrawal of the rejections in view of the remarks herein.

### ***Interview Summary***

Applicants wish to thank Examiner Song for extending the courtesy of a telephone interview to Applicants' representative, Wendy Thai, on September 3, 2008.

During the interview, Applicants' representative notified the Examiner that the incorrect sequence was inadvertently presented as SEQ ID NO: 1 in Figure 2B and in the SEQUENCE LISTING. Applicants' representative and the Examiner then discussed the filing of a substitute SEQUENCE LISTING and a preliminary amendment to correct this error.

This account is believed to be a complete and accurate summary of the interview as required by 37 C.F.R. § 1.133. If the Examiner believes that this summary is inaccurate or incomplete, Applicants respectfully request that the Examiner point out any deficiencies in the next communication so that Applicants can amend or supplement the interview summary.

**IN THE DRAWINGS**

Enclosed is a complete set of drawings marked "Replacement Sheet" that includes an amended Figure 2B showing the amendment of amino acid residues at positions 525, 709 and 827 from arginine (R), glycine (G), and serine (S) to glutamine (Q), aspartic acid (D), and asparagine (N), respectively.

### *Sequence Listing*

As indicated above, the sequence presented as SEQ ID NO: 1 in the previously-filed SEQUENCE LISTING is incorrect. The previously-filed SEQUENCE LISTING show that the amino acid residues at positions 525, 709 and 827 are arginine, glycine and serine, respectively. However, the specification indicates that this is the prior art sequence, while the SIMA135 sequence actually has the amino acids glutamine at position 525, aspartic acid at position 709, and asparagine at position 827. See specification page 32, lines 16-22 and 31, to page 33, line 4.

Therefore, this Amendment Response and the above-referenced substitute SEQUENCE LISTING are being filed to correct the previously-filed SEQUENCE LISTING and to conform the above-referenced application to the requirements of 37 C.F.R. §§ 1.821-1.825. In accordance with 37 C.F.R. § 1.821(e), a copy of the above-submitted substitute SEQUENCE LISTING in ASCII computer readable form is submitted herewith. It is respectfully submitted that the contents of the paper version of the substitute SEQUENCE LISTING and the computer readable form are the same. In addition, it is further submitted that the paper copy of the substitute SEQUENCE LISTING and the computer readable form of the substitute SEQUENCE LISTING do not represent new matter.

### *Drawings*

As discussed above, the sequence presented in Figure 2B and identified as SEQ ID NO: 1 is incorrect. Applicants now submit a complete set of drawings marked "Replacement Sheet" that includes an amended Figure 2B showing the amendment of amino acid residues at positions 525, 709 and 827 from arginine (R), glycine (G), and serine (S) to glutamine (Q), aspartic acid (D), and asparagine (N), respectively.

Applicants submit that the amendments to Figure 2B of the drawings do not introduce new matter to the specification as filed.

### *§102 Rejection of the Claims*

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as allegedly anticipated by NCBI accession number BAB15511 and Q9H5V8. These rejections are now moot in view of the correction of SEQ ID NO: 1.

PRELIMINARY AMENDMENT

Serial Number: 10/781,564

Filing Date: February 18, 2004

Title: METHODS FOR DIAGNOSING CANCER AND DECREASING METASTASIS BY CANCER CELLS

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Docket No: 1361.036US1

Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6913 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date Sept 8/08

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8<sup>th</sup> day of September 2008.

JONATHAN FERGUSON  
Name

  
Signature